IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 10731 of 2006(C)

PETITIONER:

S.ALIMAMMAL, EXTENSION OFFICER,
(WOMEN'S WELFARE) BLOCK DEVELOPMENT OFFICE,
PANDALAM, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
SECRETARY TO GOVERNMENT, RURAL DEVELOPMENT
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER, RURAL DEVELOPMENT
DEPARTMENT, L.M.S. COMPOUND, THIRUVANANTHAPURAM.

3. R.VALSALA, EXTENSION OFFICER,
(WOMEN'S WELFARE), BLOCK DEVELOPMENT OFFICE,
KAZHAKKOOTTAM, THIRUVANANTHAPURAM DISTRICT.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE RELEVANT EXTRACT FROM RANK LIST DATED 9.4.1977 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION.

EXT. P2: COPY OF THE NOTIFICATION NO.G.O.(P)88/77/85, DT.30.6.1977.

EXT. P3: COPY OF G.O.(RT).416/78/DD DATED 27.2.1978.

EXT. P4: COPY OF THE LIST DATED 26.9.1985.

EXT. P5: COPY OF THE JUDGMENT IN W.A. 858/95 DATED 31.8.2000.

EXT. P6: COPY OF ORDER DATED 28.11.1995 OF THE 2ND RESPONDENT.

EXT. P7: COPY OF THE ORDER DATED 5.1.1996 OF THE SENIOR ADMINISTRATIVE OFFICER, COMMISSIONERATE OF RURAL DEVELOPMENT.

EXT. P8: EXTRACT OF THE ORDER DATED 28.11.2001 OF THE 2ND RESPONDENT.

EXT. P9: COPY OF OBJECTION PREFERRED BY THE PETITIONER DATED 19.12.2001 BEFORE 2ND RESPONDENT.

EXT. P10: COPY OF JUDGMENT DATED 21.7.2005 IN W.P.(C)20513 OF 2005.

EXT. P11: COPY OF ORDER DATED 21.10.2005 – G.O.(RT)NO.4223/2005/LSGD.

EXT. P12: COPY OF LIST DATED 8.1.2006 OF THE ELIGIBLE OFFICERS, COMMISSIONERATE OF RURAL DEVELOPMENT, TVM.

/TRUE COPY/

P.A. TO JUDGE

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KURIAN JOSEPH, J.

W.P.(C) No.10731 of 2006

Dated 14th February, 2007.

J U D G M E N T

The crucial issue arising for consideration in this writ petition is whether the petitioner is entitled to get seniority as claimed by her. I do not think that the issue need be gone into in detail, since in various rounds of litigation, the legal position has been settled. The settled position, in view of the judgment in W.A.858/95 is that in the case of persons appointed in the Rural Development Department as lady Village Extension Officers after the amendment to Rule 8 of Kerala State and Subordinate Service Rules, their seniority will be governed by the amended rule. It is not clear from the pleadings in the writ petition as to whether the petitioner is appointed prior to the amendment or after the amendment. If it is prior to the amendment, the petitioner will be governed by the unamended rule and if it is after the amendment, she will be governed by the amended rule. If there is any mistake in

applying the principle as above, it will be open to the petitioner to point out the same before the Government, in which case, the matter will be duly examined with notice to the petitioner and the affected parties.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 14th February, 2007.